



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Alvarenga Baptista et al Atty. Ref.: 2764-127; Confirmation No. unknown

Appl. No. 10/689,662 Group: unknown

Filed: October 22, 2003 Examiner: unknown

For: PROCESS FOR FLUID CATALYTIC CRACKING OF HYDROCARBON FEEDSTOCKS
WITH HIGH LEVELS OF BASIC NITROGEN

* * * * *

April 1, 2004

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR §1.182 TO
ACCORD A FILING DATE OF OCTOBER 22, 2003**

In response to the "Notice of Incomplete Nonprovisional Application" mailed January 23, 2004 (copy attached), it is hereby petitioned that the above-referenced non-provisional patent application be accorded the U.S. filing date of October 22, 2003 with the attached Figure 1 added. Petition is also hereby made to extend under 37 CFR 136(a) the March 23, 2004 deadline set by the Notice of Incomplete Non-provisional Application mailed January 23, 2004 to the filing date of this petition. The requisite fee (\$110) is attached.

The Notice states that the application was "deposited without drawings" and is therefore not entitled to the filing date of October 22, 2003. It is respectfully submitted

that the omitted drawing was a schematic illustration of a conventional structure provided solely for explanatory purposes and that the original disclosure was complete and enabling to one skilled in the art in the absence of that drawing illustration, so that this application should be accorded a filing date as of the date of original deposit.

More specifically, the omitted drawing figure was a schematic illustration of a state of the art (conventional) structure that may be used to practice the process that embodies the invention. Accordingly, the attached drawing Figure proposed for addition to this application is labeled "State of the Art". Moreover, it is explained in the application disclosure that the invention relates to a process, not the FCC unit structure. Thus, as explained on page 13 of the specification, last two lines, the FCC unit (FCCU) that is useful in the process of the invention is state of the art equipment, reference there being made, for example, to U.S. Patent 4,874,503. One skilled in the art would thus understand, with knowledge of and reference to a state of the art FCC unit, the disclosed process of the invention. It is therefore respectfully submitted that a drawing Figure was not required for this application to be complete and that the addition of a Figure that schematically illustrates a state of the art structure, as proposed in the herewith amendment, does not constitute the addition of new matter to this application. Therefore, grant of a filing date for the disclosed invention as of the date of deposit, October 22, 2003, is solicited.

Because Figure 1 as an illustration of only a conventional unit, it is not believed that a new declaration is required. However, in case it is determined that a new declaration is necessary or desirable, a new Declaration, including a reference to the submission of drawing herewith, has been forwarded for execution by the inventors. The undersigned has not yet received that executed Declaration and will file it as soon as it is received.

Accordingly, it is respectfully requested that the drawing Figure 1 submitted in the herewith amendment be added to the subject application and that this application be accorded a filing date of October 22, 2003.

The Petition Fee of \$130.00 is submitted herewith. Should that fee be missing or insufficient or if any other fees are required for this application to be granted a filing date of October 22, 2003, please charge our Deposit Account No. 14-1140 under Order No. 2764-127.

An early and favorable decision is solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

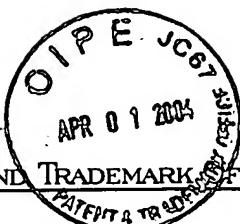


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/689,662	10/22/2003	Claudia Maria de L. Alvarenga Baptista	2764-127

23117
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CONFIRMATION NO. 6481

FORMALITIES LETTER



OC000000011754080

Date Mailed: 01/23/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- o The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE